

Message Text

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ACTION IO-14

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IO FOR ASST SECY MAYNES, DALLEY AND MILLS
S/IL FOR DALE GOOD
DEPT PASS LABOR FOR SAMUEL AND LINSENMEYER
COMMERCE FOR PETERSEN

E.O.11652: N/A
TAGS: ILO
SUBJECT: TRIPARTITE WORKING PARTY ON STRUCTURE

REF: (A) GENEVA 02155 (B) GENEVA 02400

1. DESPITE EARLIER RELUCTANCE TO RESOLVE OTHER ITEMS
ON THE AGENDA UNTIL AN AMENDMENT TO ARTICLE 7 WAS
FINALIZED, THE TRIPARTITE WORKING PARTY ON STRUCTURE
CONCLUDED ITS WORK ON 18 FEBRUARY, HAVING DRAWN
TENTATIVE CONCLUSIONS ON ALL ITEMS EXCEPT ARTICLE 7.
THE ACTIONS TAKEN ON THE FIVE ITEMS WAS AS FOLLOWS:

2. ARTICLE 7: THE G-77 WAS UNABLE TO ACCEPT THE IMEC
PROPOSAL AND AT THE SAME TIME THEY COULD NOT DEVELOP
A SATISFACTORILY DETAILED PROPOSAL THEMSELVES. IN
WAY OF RESPONSE, THEY MADE THE FOLLOWING POINTS
CONCERNING THE IMEC PROPOSAL: QUOTE

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1. ALL THE SEATS IN THE GOVERNING BODY SHOULD BE
ELECTIVE.
2. THE DISTINCTION BETWEEN TITULAR AND DEPUTY
MEMBERSHIP OF THE GOVERNMENT GROUP OF THE GOVERNING BODY
SHOULD BE ABOLISHED WITHOUT OVER-ALL REDUCTION IN THE
SIZE OF THE GOVERNING BODY.
3. THE GOVERNMENTAL SEATS OF THE GOVERNING BODY

SHALL BE DISTRIBUTED ON AN EQUITABLE BASIS AMONG THE VARIOUS REGIONS. IN DOING SO, THE SEATS ALLOCATED TO EACH REGION AT THE PRESENT TIME SHALL NOT BE REDUCED. IF NECESSARY, THE TOTAL NUMBER OF GOVERNMENT SEATS IN THE GOVERNING BODY MAY BE INCREASED TO 52 TO MAINTAIN THIS REGIONAL BALANCE.

4. THE NUMBER OF ELECTORAL COLLEGES COULD BE FOUR, FOLLOWING THE NORMAL REGIONAL DIVISION OF ACTIVITIES WITHIN THE ILO.

5. EACH REGION SHALL BE FREE TO RE-ELECT A CERTAIN NUMBER OF MEMBER STATES ON THE BASIS OF UNIVERSAL CRITERIA TO ENSURE CONTINUITY OF REPRESENTATION IN THE GOVERNING BODY AND CONTINUITY IN ITS WORK. UNQUOTE

3. ARTICLE 36: WHILE RELUCTANT TO DO SO, THE NON-GOVERNMENT GROUPS AGREED TO THE VERSION PUT FORWARD BY IMEC AS IN REFTEL 02155 AND NOW AMENDED BY G-77. THE G-77 AMENDMENT DELETES THE PROVISION CALLING FOR WORKER AND EMPLOYER APPROVAL. THUS, THE TEXT IN REFTEL GENEVA 02155 STANDS WITH THE FOLLOWING DELETED FROM PARA IV, "...INCLUDING AT LEAST HALF OF THE VOTES CAST IN EACH OF THE THREE GROUPS".

4. ARTICLE 17: A COMBINED TEXT OF IMEC AND G-77 AMENDMENTS RESULTED IN PROVISIONAL ADOPTION BY ALL THREE BENCHES. IT WAS AGREED HOWEVER THAT FURTHER CONSIDER-LIMITED OFFICIAL USE

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TION WOULD BE REQUIRED AS REGARDS PARAGRAPH 6 OF THE TEXT. THE CONDITIONALLY ADOPTED AMENDMENT READS AS FOLLOWS: QUOTE REPLACE PARA 1 OF ARTICLE 17 OF THE STANDING ORDERS OF THE INTERNATIONAL LABOR CONFERENCE BY THE FOLLOWING:

1. (1) NO RESOLUTION REFERRING TO A MATTER NOT INCLUDED IN AN ITEM ON THE AGENDA OF THE CONFERENCE SHALL BE MOVED AT ANY SITTING OF THE CONFERENCE, UNLESS A COPY OF THE RESOLUTION HAS BEEN DEPOSITED WITH THE DIRECTOR-GENERAL OF THE INTERNATIONAL LABOR OFFICE AT LEAST 15 DAYS BEFORE THE OPENING OF THE SESSION OF THE CONFERENCE, BY A DELEGATE TO THE CONFERENCE.

(2) WHERE THE DIRECTOR-GENERAL FINDS THAT A RESOLUTION IS OF A CONDEMNATORY NATURE AGAINST A MEMBER STATE, HE SHALL PROVISIONALLY WITHHOLD CIRCULATION OF THE RESOLUTION AND SHALL IMMEDIATELY INFORM EACH OF THE THREE GROUPS OF THE CONFERENCE TO ENABLE THEM TO ELECT THEIR REPRESENTATIVES TO THE COMMITTEE OF SEVEN REFERRED TO IN SUBPARAGRAPH 4 BELOW.

(3) EXCEPT FOR ANY RESOLUTION THE CIRCULATION OF WHICH

HAS BEEN PROVISIONALLY WITHHELD IN ACCORDANCE WITH SUB-PARAGRAPH (2) OF THIS PARAGRAPH, COPIES OF ALL RESOLUTIONS SHALL BE AVAILABLE TO DELEGATES AT THE INTERNATIONAL LABOUR OFFICE 13 DAYS BEFORE THE OPENING OF THE SESSION OF THE CONFERENCE.

(4) ANY RESOLUTION THE CIRCULATION OF WHICH HAS BEEN PROVISIONALLY WITHHELD IN ACCORDANCE WITH SUBPARAGRAPH (2) OF THIS PARAGRAPH SHALL BE SUBMITTED BY THE DIRECTOR-GENERAL TO A COMMITTEE OF SEVEN, TO BE COMPOSED OF THE OFFICERS OF THE CONFERENCE AND ONE REPRESENTATIVE OF EACH OF THE THREE GROUPS OF THE CONFERENCE, WITH A REPORT

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STATING WHETHER THE MATTERS REFERRED TO IN THE RESOLUTION HAVE BEEN EXAMINED IN ACCORDANCE WITH AN ESTABLISHED ILO PROCEDURE AND, IF SO, INDICATING THE STAGE REACHED IN THE EXAMINATION AND ANY CONCLUSIONS ARRIVED AT. THE COMMITTEE OF SEVEN SHALL DECIDE, NOT LATER THAN 48 HOURS AFTER THE OPENING OF THE CONFERENCE, WHETHER THE RESOLUTION SHALL BE CIRCULATED.

(5) SUBJECT TO SUBPARAGRAPH (6) OF THIS PARAGRAPH, A RESOLUTION SHALL NOT BE CIRCULATED IF THE COMMITTEE FINDS THAT IT CONDEMS A MEMBER STATE ON GROUNDS WHICH ARE NOT BASED ON THE CONCLUSIONS OF AN EXAMINATION OF THE MATTER IN ACCORDANCE WITH AN ESTABLISHED ILO PROCEDURE, SUCH AS ONE OF THOSE PROVIDED FOR IN ARTICLES 24 TO 34 OF THE CONSTITUTION OF THE ORGANIZATION, THE SPECIAL PROCEDURE CONCERNING INFRINGEMENT OF TRADE UNION RIGHTS, OR THE PROCEDURE FOR THE EXAMINATION OF REQUESTS FOR SPECIAL SURVEYS ON SITUATIONS CONNECTED WITH THE ELIMINATION OF DISCRIMINATION IN EMPLOYMENT.

(6) IN CERTAIN EXCEPTIONAL CASES, THE COMMITTEE OF SEVEN SHALL DECIDE, BY A MAJORITY OF AT LEAST FIVE OF ITS MEMBERS, WHETHER A RESOLUTION WHICH FALLS WITHIN THE TERMS OF SUBPARAGRAPH 5 OF THIS PARAGRAPH SHOULD

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NONETHELESS BE DISTRIBUTED, NOTABLY, IN CASES OF EXTREME URGENCY OR WHERE THE PROCEDURES ALREADY UNDER WAY DEMONSTRATE THAT NO CONCRETE RESULT CAN ANY LONGER BE COUNTED ON ON THE PART OF THE STATE CONCERNED.

(7) THE COMMITTEE OF SEVEN SHALL INFORM THE AUTHOR OF THE RESOLUTION OF THEIR DECISION AND OF THE REASONS THEREFOR. IF THE DECISION IS THAT THE RESOLUTION SHALL NOT BE CIRCULATED, IT SHALL BE OPEN TO ITS AUTHOR TO AMEND IT TO STANDARDS OF ACCEPTABILITY. IF THE DECISION IS THAT THE RESOLUTION MAY BE CIRCULATED, IT SHALL BE PUBLISHED WITHOUT DELAY.

ADD THE FOLLOWING NEW PARAGRAPH BETWEEN PARAGRAPHS 9 AND 10 OF ARTICLE 17 OF THE STANDING ORDERS OF THE CONFERENCE:

A MEMBER OF THE RESOLUTIONS COMMITTEE MAY REFER TO THE COMMITTEE OF SEVEN THE QUESTION WHETHER A PROPOSED AMENDMENT TO A RESOLUTION, IF ADOPTED, WOULD BRING THE RESOLUTION WITHIN THE TERMS OF SUBPARAGRAPH (5) OF PARAGRAPH 1 OF THIS ARTICLE. THE COMMITTEE OF SEVEN SHALL TAKE A DECISION WITHIN 48 HOURS; SUBPARAGRAPHS (5) TO (7) OF PARAGRAPH 1 SHALL APPLY MUTATIS MUTANDIS. PENDING CONSIDERATION OF THE QUESTION BY THE OFFICERS THE AMENDMENT IN QUESTION SHALL NOT BE CONSIDERED BY THE RESOLUTIONS COMMITTEE. UNQUOTE

5. COMPOSITION OF THE NON-GOVERNMENT GROUPS: AS REPORTED IN REFTEL 02400, THE NON-GOVERNMENT THE SOVIETS TOOK A HARD LINE IN INSISTING THAT THIS TOPIC BE GIVEN FULL DEBATE. BORCHTCHEVSKI CONTINUED THIS ATTACK IN THE CLOSING HOURS OF SATURDAY'S MEETING. MAINWARING (CANADIAN SPOKESMAN FOR IMEC) TOOK UP THE CHALLENGE AND EFFECTIVELY RECORDED THE FACT THAT IMEC

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HAS IN NO WAY IMPAIRED DEBATE; THAT THE ISSUE WAS SQUARELY THE CONCERN OF THE WORKERS AND EMPLOYERS. AN EMPLOYER TEXT WAS ADOPTED BY THE GROUP REFLECTING BOTH SIDES OF THE ISSUES AND WHICH READS AS FOLLOWS:

QUOTE THE MAJORITY OF THE EMPLOYERS IN THE WORKING PARTY
ON STRUCTURE SUBMIT THE FOLLOWING STATEMENT:

1. THE PRINCIPLE OF GROUP AUTONOMY WHICH IS IMPLIED BY ARTICLES 7.4 AND 4.1 OF THE CONSTITUTION MUST BE FULLY MAINTAINED.
2. GROUP AUTONOMY DOES NOT NECESSARILY LEAD TO THE EXCLUSION OF ANY CATEGORY OF REPRESENTATIVES, NOR DOES IT GIVE PRIVILEGES TO ANYONE. ARRANGEMENTS ALREADY EXIST INSIDE THE GROUPS IN ORDER TO ASSURE AN EQUITABLE REPRESENTATION OF THE FOUR REGIONS RECOGNISED BY THE ILO. THEY CAN BE REEXAMINED OR RENDERED MORE EXPLICIT WITHIN EACH GROUP.
3. ALTHOUGH THE WISH TO ENSURE AN EQUITABLE GEOGRAPHICAL DISTRIBUTION IS AN IMPORTANT FACTOR IN THE DELIBERATIONS OF THE EMPLOYERS' GROUP BEFORE THE ELECTIONS, THIS GROUP MUST ALSO TAKE INTO ACCOUNT OTHER CRITERIA IN VIEW OF, IN PARTICULAR, THE PERSONAL CHARACTER OF THE MANDATE OF MEMBERS OF THE GOVERNING BODY FROM THE NON-GOVERNMENTAL GROUPS. THIS IMPLIES THE NECESSITY OF CONSTITUTING A WORKING TEAM ABLE TO WORK IN A SPIRIT OF COOPERATION, WHICH DOES NOT EXCLUDE - QUITE TO THE CONTRARY - DIFFERENCES OF APPROACH AMONGST ITS MEMBERS.
4. EACH GROUP OF EMPLOYERS' DELEGATES AND EACH INDIVIDUAL EMPLOYER DELEGATE CAN PRESENT SUGGESTIONS FOR

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IMPROVING THESE ARRANGEMENTS BEFORE THE ELECTIONS IN

ORDER TO ENABLE THE ELECTORAL COLLEGE TO TAKE BETTER ACCOUNT OF THE NECESSITY OF CONSTITUTING THE EMPLOYERS' SECTION OF THE GOVERNING BODY ACCORDING TO THESE CRITERIA. THERE IS NO A PRIORI EXCLUSION WITH THE EXCEPTION THAT THE ELECTION PROCEDURE SHOULD BE ESTABLISHED BY GENERAL AGREEMENT AND APPROVED BY THE MAJORITY OF THE GROUP AND THAT THE OUTCOME OF THE ELECTIONS SHOULD BE THE RESULT OF A SECRET MAJORITY AND MOWAK SUBMIT THE FOLLOWING STATEMENTS:

1. THE CURRENT POSITION IN THE EMPLOYERS' GROUP IN THE ILO DOES NOT CORRESPOND TO THE REALITIES OF THE MODERN WORLD. IN VIEW OF THIS AND THE PRINCIPLES GOVERNING THE DISTRIBUTION OF SEATS IN THE INTERNATIONAL ORGANIZATIONS BELONGING TO THE UN SYSTEM, PROVISION SHOULD BE MADE FOR THE FAIR AND PROPORTIONAL REPRESENTATION IN THE EMPLOYERS' GROUP OF THE ILO'S GOVERNING BODY OF THREE REGULAR AND DEPUTY MEMBERS FROM THE SOCIALIST COUNTRIES.

2. IN VIEW OF THE ABOVE STATEMENT IN PARAGRAPH 1, IT WOULD BE NECESSARY TO AMEND ARTICLE 7 OF THE ILO'S CONSTITUTION SO THAT ONE OF THE THREE GROUPS IN THE LIMITED OFFICIAL USE

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GOVERNING BODY WOULD BE DESIGNATED AS THE "GROUP OF DIRECTORS OF STATE UNDERTAKINGS AND PRIVATE EMPLOYERS".

THIS AMENDMENT SHOULD IN NO WAY RUN COUNTER TO THE PRINCIPLE OF TRIPARTISM WHICH IS ONE OF THE BASIC PRINCIPLES OF THE ILO.

3. FAIR AND PROPORTIONAL DISTRIBUTION OF SEATS IN THE GROUP OF DIRECTORS OF STATE UNDERTAKINGS AND PRIVATE EMPLOYERS SHOULD BE ENSURED ON THE BASIS OF A FIXED ARRANGEMENT.

THE ARRANGEMENT ARRIVED AT WITHIN THE GROUP SHOULD BE SUBMITTED TO THE TRIPARTITE WORKING PARTY ON STRUCTURE DISCUSSING THE WHOLE RANGE OF QUESTIONS CONNECTED WITH THE DEMOCRATISATION OF THE ILO'S STRUCTURE AND METHODS OF WORK.

4. THE ARRANGEMENT REFERRED TO ABOVE SHOULD TAKE INTO ACCOUNT GEOGRAPHICAL AND OTHER FACTORS, AS WELL AS THE SPECIFIC CHARACTER OF THE EXISTING CHIEF SOCIO-ECONOMIC SYSTEMS.

5. THE PROBLEM OF THE UNDER-REPRESENTATION OF THE DEVELOPING COUNTRIES IN THE DIRECTORS' AND EMPLOYERS' GROUP SHOULD ALSO BE RESOLVED. UNQUOTE

6. QUORUM: ALTHOUGH THERE WERE SOME MISGIVINGS ABOUT THE WORKERS PROPOSED AMENDMENT THERE WERE NO SUBSTANTIVE CHANGES FORTHCOMING. AS A RESULT, THE TEXT ADOPTED READS AS FOLLOWS: QUOTE THE FOLLOWING SENTENCE SHOULD BE ADDED TO ARTICLE 17.2 OF THE CONSTITUTION:

17.2...IN CASES IN WHICH THE CONSTITUTION PROVIDES
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FOR A DECISION BY A SIMPLE MAJORITY THIS MAJORITY SHALL BE MADE UP OF THE VOTES OF AT LEAST ONE-QUARTER OF THE DELEGATES ACCREDITED TO THE SESSION; IN CASES IN WHICH THE CONSTITUTION PROVIDES FOR DECISION BY A TWO-THIRDS MAJORITY, THIS MAJORITY SHALL BE MADE UP OF THE VOTES OF AT LEAST ONE-THIRD OF THE DELEGATES ACCREDITED TO THE SESSION.

ARTICLE 17.3 OF THE CONSTITUTION SHOULD BE AMENDED AND REPLACED BY THE FOLLOWING TEXT:

17.3 THE VOTING IS VOID UNLESS AT LEAST ONE-HALF OF THE DELEGATES ACCREDITED TO THE SESSION HAVE TAKEN PART IN THE VOTING. UNQUOTE

7. THE TRIPARTITE GROUP AGREED THAT ANOTHER MEETING WOULD BE REQUIRED BEFORE THE SUMMER CONFERENCE. OPINIONS VARIED AS TO THE TIMING BUT IN THE FINAL ANALYSIS, IT WAS ACKNOWLEDGED THAT THE 204TH GOVERNING BODY WOULD HAVE TO GIVE APPROVAL AND THAT THE SECRETARIAT WOULD HAVE TO WEAVE IN A TIME WHICH WOULD AVOID CONFLICTS WITH OTHER ILO MEETINGS. THE RESULT COULD BE A GOVERNMENT GROUP MEETING IN LATE APRIL FOR ONE WEEK AND A TWO OR THREE DAY TRIPARTITE MEETING PRIOR TO THE SUMMER CONFERENCE. VANDEN HEUVEL

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